REMARKS

Claims 1-8 and 10-20 remain in this application.

For the sake of clarity, and to emphasize the patentable distinctions of applicant's invention over the prior art, claim 1 has been amended to recite a system for placing an advertisement on the monitor of a computer of a user of an Internet Service Provider connected to the computer via a connection having a connection speed and compensating said user for receiving and viewing said advertisement, that requires two separate compensation means: (i) compensation means for compensating said registered user for receiving and viewing said advertisement provided said user has previously registered wherein the user compensation is provided by the advertiser; and (ii) compensation means for compensating said Internet Service Provider on the basis of advertisements viewed wherein the Internet Service Provider compensation is provided by the advertiser. Claims 8, 15, and 16 have been amended in a similar fashion. These amendments are clearly supported by the original specification. In particular the amendments are clearly supported by the original specification, at page 4, lines 8-18; and page 7, lines 12-18. Consequently, no new matter has been added.

Applicant's invention provides a system and method for disseminating advertising via the Internet. In one aspect, the invention provides an Internet user the opportunity to receive compensation in exchange for accepting the display of advertisements on his/her computer monitor in a non-dismissible browser window, wherein each advertisement is displayed for a predetermined time period. Although other forms of advertising via the Internet are known, the present system provides a combination of benefits to each of the

advertiser, the user, and the Internet Service Provider. The advertiser has assurance that advertisements will be presented to the user, and the likelihood for the advertiser of influencing the user is increased, since the advertisement is inexorably displayed on the user's computer web browser for a known time interval. The user, on the other hand, has voluntarily agreed to accept such advertising in exchange for assured compensation in the form of free hardware or software.

New Matter Objections – 35 USC § 132(a)

The amendment filed 4/13/07 was objected to under 35 USC 132(a) for introducing new matter into the disclosure.

In order to expedite prosecution, claims 1-8 and 10-20 have been amended to strike the language that was objected to by the Examiner as containing new matter. In view of the amendments to claims 1-8 and 10-20, it is respectfully submitted that present claims 1-9 and 10-20 do not add new matter into the disclosure, as originally filed.

Accordingly, reconsideration of the objections to the claims as introducing new matter into the disclosure is respectfully requested.

Claim Rejections – 35 USC § 112

Claims 1-7 and 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has stated the following. Claim 1 states that the compensation means is apparently delivery of free hardware or software, indicating that there is some structure capable of delivering software or hardware. It is not clear what structure is responsible for providing this delivery. Is applicant claiming a mailing/postal carrier or delivery apparatus?

Claim 1 has been amended to strike the language of "the compensation means compensating said registered user by delivering free hardware or software". In view of the amendment to claim 1, it is submitted that claim 1, and claims 2-7 and 20 dependent thereon, are no longer indefinite.

Accordingly, reconsideration of the rejection of claims 1-7 and 20 as being indefinite under 35 U.S.C. 112, second paragraph is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1, 3-8, 10-15, and 20 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,687,737 to Landsman et al. in view of US Patent 5,855,008 to Goldhaber et al.

Landsman et al. disclose a technique for implementing in a networked client-server environment, e.g., the Internet, network distributed advertising in which advertisements are downloaded from an advertising server to a browser executing at a client computer.

The advertisements are subsequently displayed interstitially in response to a click-stream generated by the user to move from one web page to another.

Goldhaber et al. provides an approach for distributing advertising and other information over a computer network. The method is said to be usable to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information.

As amended, claim 1 (and claims 3-7 and 20 dependent thereon) is submitted to require two separate compensation means: (i) compensation means by which the user is compensated for receiving and viewing advertisements wherein the user compensation is provided by the advertiser; and (ii) compensation means for compensating said Internet Service Provider on the basis of advertisements viewed wherein the Internet Service Provider compensation is provided by the advertiser. As amended, claim 1 is further submitted to require at least one application logic set stored on the server, each of the application logic sets being provided with means for causing a browser of the user to display the advertisement in a non-dismissible and temporary browser window on the monitor for a predetermined time period. The present invention encourages the users to view the advertisements because they are compensated if they have registered; this also provides much needed revenue to Internet Service Providers; and this benefits the advertisers because they are billed on the basis of actual advertisement viewing, not estimated user statistics. Therefore, the present invention defined by present claims 1-8 and 10-20 provides an advertising system that significantly benefits each of the Internet

Service Provider, the advertiser and the advertisement viewer. Applicant submits that the combination of Landsman et al. in view of Goldhaber et al. does not disclose an advertising system wherein the advertiser compensates both the user and the Internet Service Provider on the basis of the advertisements viewed. It is thus submitted that the subject matter of claims 1, 3-7, and 20 is nonobvious over Landsman et al. in view of Goldhaber et al.

The Examiner has stated that Goldhaber et al. teaches many embodiments whereby a registered computer user is compensated for viewing advertising [abstract]. Applicant submits the following remarks. Goldhaber et al. teaches that "Advertisers 62 can directly compensate consumers 64 via payment 60(a) for viewing and paying attention to their advertisements 68. Consumers 64 can use this payment 60(a) to compensate information provider 66 via another payment 60(b) for providing entertainment or other information 70 the consumer wishes to access" (emphasis added). See Golhaber et al. at Col. 12, lines 5-11. First, there is no assurance that the information provider will receive compensation when a user views an advertisement because the payment 60(b) is not directly related to the act of the users 64 viewing of the advertisements 68. That is, once the ad viewer 64 receives compensation 60(a) from the advertiser 62 for viewing the advertisement 68, the ad viewer 64 is free to use that compensation 60(a) for whatever he desires. There is no guarantee that the ad viewer 64 will use the compensation 60(a) to compensate the information provider 66. Therefore, Goldhaber does not disclose or

suggest a system that compensates both the consumer and the information provider at the same time.

More significantly, nowhere in the combined teachings of Landsman et al. and Goldhaber et al. is there any teaching or suggestion for a system comprising means for compensating said Internet Service Provider on the basis of advertisements viewed wherein the Internet Service Provider compensation is provided by the advertiser. Goldhaber et al. explicitly teaches that it is the consumer 64 and not the advertiser 62 who can use the payment 60(a) to compensate the information provider 66. Therefore, such compensation to the information provider 66, if any, is not related to the number of advertisements viewed. By way of contrast, present claims 1-8 and 10-20 require that the Internet Service Provider compensation be provided by the advertiser. Further, present claims 1-8 and 10-20 require that the Internet Service Provider compensation be on the basis of advertisements viewed. Compared with any system or method disclosed by the combination of Landsman et al. and Golhaber et al., the system and method disclosed by present claims 1-8 and 10-20 is more advantageous to Internet Service Providers because they are compensated by the advertisers rather than the ad-viewing users; and it is more advantageous to advertisers because they are billed on the basis of actual advertisement viewing, not estimated user statistics.

Further, applicant submits that the combination of Landsman et al. in view of Goldhaber et al. does not disclose an advertising system wherein the advertiser compensates both the user and the Internet Service Provider. Although Goldhaber does

teach compensation, there is no disclosure or suggestion of compensating both the user and the information provider 66 at the same time. Instead, Goldhaber teaches the compensation, by the advertisers, of only the information provider 66 at Fig. 5, col. 11, lines 59-67. Further, Goldhaber teaches the compensation, by the advertisers, of only the consumers 64 at Fig. 6, col. 11, line 67 to col. 12, line 14. Applicant submits that clearly the Goldhaber disclosure teaches that the provider of the user-desired content is compensated only for the delivery of information content (i.e. television show, movie, radio show, etc.). Therefore, the information provider 66 is not compensated for delivering advertisements to the consumer, because the advertisement 68 is completely separate and apart from and is not linked with the content 70 provided by the information provider 66. See Fig. 6 of Goldhaber. Applicant submits that Golhaber teaches away from the compensation of both the consumer and the information provider at the same time. Such an advertising system may be thought to be unfavorable to the advertiser because of the need to compensate two separate parties: the Internet Service Provider and the user. However, applicant has found the unexpected result that such a system actually benefits the advertiser because it provides a clear incentive for both the Internet Service Provider to deliver the advertisement to its users, and also for the user to register with the system and view the advertisement. Further, it is clear that the compensation in present claims 1-8 and 10-20 goes directly from the advertiser to the Internet Service Provider. Therefore, applicant respectfully submits that there is no teaching, suggestion, or

motivation provided by Goldhaber to modify the Landsman disclosure so that the Internet Service Provider is compensated for delivering advertisements to the users.

Further, Landsman in view of Goldhaber fails to address the feature of present claims 1-8 and 10-20 that requires that the compensation of the Internet Service Provider be on the basis of advertisements viewed. Therefore, applicant respectfully submits that a prima facie case of obviousness has not been established against present claims 1-8 and 10-20 because Landsman in view of Goldhaber does not teach or suggest an internet advertising system wherein a Internet Service Provider displays an advertisement to a user, and in exchange the advertiser compensates both (i) the user; AND (ii) the Internet Service Provider on the basis of advertisements viewed.

In as much as present claim 8 (and claims 10-14 dependent thereon), as well as present claim 15 have been amended in the same fashion as present claim 1, it is submitted that claims 8 and 10-15 are novel over Landsman et al. in view of Goldhaber et al. for the same reasons discussed hereinabove, regarding the rejection of claim 1. In particular, claim 8 (and claims 10-14 dependent thereon), as well as present claim 15 have been amended to require a method for advertising to a user of an Internet Service Provider, comprising the step of compensating the user for receiving and viewing the advertisement provided said user has previously registered; and compensating the Internet Service Provider on the basis of the advertisements viewed.

In view of the amendments to claim 8 (as well as claims 10-14 dependent thereon) and claim 15, and the foregoing remarks, it is submitted that claims 8 and 10-15 are patentable over Landsman et al. in view of Goldhaber et al.

Accordingly, reconsideration of the rejection of claims 1, 3-8, 10-15, and 20 under 35 USC 103(a) as being unpatentable over Landsman et al. in view of Goldhaber et al. is respectfully requested.

Claims 2 and 16-19 were rejected under 35 USC 103(a) as being unpatentable over Landsman et al. in view of Goldhaber et al. and US Patent 5,854,897 to Radziewicz et al.

Radziewicz et al. discloses a communications marketing system, which allows a client station accessing a computer network through a Network Service provider to receive advertisements whenever the connection path between the client station and the Service Provider is idle.

Significantly, neither Landsman et al., Goldhaber et al., nor Radziewicz et al. discloses or suggests any system having, in combination, the aforementioned features delineated by claim 1, from which claims 2 and 18 depend, or claim 16, from which claims 17 and 19 depend, namely (i) compensation means by which the user is compensated for receiving and viewing advertisements wherein the user compensation is provided by the advertiser; and (ii) compensation means for compensating said Internet Service Provider on the basis of advertisements viewed wherein the Internet Service Provider compensation is provided by the advertiser. It is therefore respectfully

submitted that claims 2 and 16-19 patentably define over the proposed combination of Landsman et al., Goldhaber et al., and Radziewicz et al.

Accordingly, reconsideration of the rejection of claims 2 and 16-19 under 35 USC 103(a) as being unpatentable over the combination of Landsman et al., Goldhaber et al. and Radziewicz et al. is respectfully requested.

CONCLUSION

In view of the amendment to the claims and the foregoing remarks, it is respectfully submitted that the present application has been placed in allowable condition. Reconsideration of the rejections set forth in the Office Action dated July 18, 2007, and allowance of claims 1-8 and 10-20, as amended, are earnestly solicited.

Respectfully submitted,

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